

PATENT COOPERATION TREATY

PCT

NOTIFICATION OF THE RECORDING
OF A CHANGE(PCT Rule 92bis.1 and
Administrative Instructions, Section 422)

From the INTERNATIONAL BUREAU

To:

HARRISON, David, C.
Mewburn Ellis
York House
23 Kingsway
London WC2B 6HP
ROYAUME-UNI

Date of mailing (day/month/year) 21 August 2000 (21.08.00)	
Applicant's or agent's file reference SCG/CP5869896	IMPORTANT NOTIFICATION
International application No. PCT/GB99/03109	International filing date (day/month/year) 17 September 1999 (17.09.99)

1. The following indications appeared on record concerning:		
<input type="checkbox"/> the applicant	<input type="checkbox"/> the inventor	<input checked="" type="checkbox"/> the agent
<input type="checkbox"/> the common representative		
Name and Address	State of Nationality	State of Residence
	Telephone No.	
	Facsimile No.	
	Teleprinter No.	
2. The International Bureau hereby notifies the applicant that the following change has been recorded concerning:		
<input checked="" type="checkbox"/> the person	<input type="checkbox"/> the name	<input type="checkbox"/> the address
<input type="checkbox"/> the nationality		
<input type="checkbox"/> the residence		
Name and Address HARRISON, David, C. Mewburn Ellis York House 23 Kingsway London WC2B 6HP United Kingdom	State of Nationality	State of Residence
	Telephone No. 44 20 7240 4405	
	Facsimile No. 44 20 7240 9339	
	Teleprinter No.	
3. Further observations, if necessary: The person in Box 2 has been recorded as the agent.		
4. A copy of this notification has been sent to:		
<input checked="" type="checkbox"/> the receiving Office	<input type="checkbox"/> the designated Offices concerned	
<input type="checkbox"/> the International Searching Authority	<input checked="" type="checkbox"/> the elected Offices concerned	
<input checked="" type="checkbox"/> the International Preliminary Examining Authority	<input type="checkbox"/> other:	

The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland	Authorized officer Ting Zhao
Facsimile No.: (41-22) 740.14.35	Telephone No.: (41-22) 338.83.38

PATENT COOPERATION TREATY

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NOTIFICATION OF ELECTION

(PCT Rule 61.2)

From the INTERNATIONAL BUREAU

To:

Assistant Commissioner for Patents
United States Patent and Trademark
Office
Box PCT
Washington, D.C. 20231
ETATS-UNIS D'AMERIQUE

in its capacity as elected Office

Date of mailing (day/month/year) 18 May 2000 (18.05.00)	
International application No. PCT/GB99/03109	Applicant's or agent's file reference 1232axh99
International filing date (day/month/year) 17 September 1999 (17.09.99)	Priority date (day/month/year) 17 September 1998 (17.09.98)
Applicant DAMES, Andrew et al	

1. The designated Office is hereby notified of its election made:

☒ in the demand filed with the International Preliminary Examining Authority on:
14 April 2000 (14.04.00)

☐ in a notice effecting later election filed with the International Bureau on:

2. The election ☒ was

☐ was not

made before the expiration of 19 months from the priority date or, where Rule 32 applies, within the time limit under Rule 32.2(b).

<p>The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland</p> <p>Facsimile No.: (41-22) 740.14.35</p>	<p>Authorized officer Juan Cruz</p> <p>Telephone No.: (41-22) 338.83.38</p>
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PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 1232axh99	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/GB99/03109	International filing date (day/month/year) 17/09/1999	Priority date (day/month/year) 17/09/1998
International Patent Classification (IPC) or national classification and IPC B01J19/00		
Applicant SENTEC LIMITED ET AL		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.



2. This REPORT consists of a total of 6 sheets, including this cover sheet.

- ☒ This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of 4 sheets.

3. This report contains indications relating to the following items:

- I ☒ Basis of the report
- II ☐ Priority
- III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☒ Lack of unity of invention
- V ☒ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☒ Certain defects in the international application
- VIII ☐ Certain observations on the international application

Date of submission of the demand 14/04/2000	Date of completion of this report 15.11.2000
Name and mailing address of the international preliminary examining authority:  European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465	Authorized officer Pielka, I Telephone No. +49 89 2399 8357 

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**

International application No. PCT/GB99/03109

I. Basis of the report

1. This report has been drawn on the basis of *(substitute sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to the report since they do not contain amendments (Rules 70.16 and 70.17).)*:

Description, pages:

1-8 as originally filed

Claims, No.:

1-21 as received on 07/11/2000 with letter of 07/11/2000

Drawings, sheets:

1/4-4/4 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages:
- ☒ the claims, Nos.: 22-26

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**

International application No. PCT/GB99/03109

☐ the drawings, sheets:

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)):

(Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.)

6. Additional observations, if necessary:

IV. Lack of unity of invention

1. In response to the invitation to restrict or pay additional fees the applicant has:

- ☐ restricted the claims.
☐ paid additional fees.
☐ paid additional fees under protest.
☒ neither restricted nor paid additional fees.

2. ☐ This Authority found that the requirement of unity of invention is not complied and chose, according to Rule 68.1, not to invite the applicant to restrict or pay additional fees.

3. This Authority considers that the requirement of unity of invention in accordance with Rules 13.1, 13.2 and 13.3 is

- ☐ complied with.
☒ not complied with for the following reasons:
see separate sheet

4. Consequently, the following parts of the international application were the subject of international preliminary examination in establishing this report:

- ☐ all parts.
☒ the parts relating to claims Nos. 1-16.

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes:	Claims 1-16
	No:	Claims
Inventive step (IS)	Yes:	Claims 1-16
	No:	Claims

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**

International application No. PCT/GB99/03109

Industrial applicability (IA) Yes: Claims 1-16
 No: Claims

2. Citations and explanations
see separate sheet

VII. Certain defects in the international application

The following defects in the form or contents of the international application have been noted:
s e separate sheet

1. There are two groups of inventions, notably a first invention relating to a support and its fabrication and a second invention pertaining to an optical reader. Since the Applicant has chosen not to pay the additional fee for the second invention, examination of the first invention only has been carried out.
2. Claim 1 relates to a solid support, which is substantially linear or planar in shape and has an anodised metal layer. The support is defined as having no dimension larger than 100 μm .

EP-A-0 395 300, or D1, discloses a thin film device having layers of anodised metal (see claim 1), but does not explicitly disclose the dimensions. However, it appears from the text and the Figures of D1 that the device should be visible to the eye and so this implies a macroscopic size rather than microscopic.

US-A-5 129 974, or D2, discloses microlabels having anodized metal layers (see column 9), but the size is given as being 1 mm square.

JP-A-08102544, or D3, discloses supports having an anodised metal layer, but no dimensions are disclosed.

Thus claim 1 meets the requirements of **Article 33(2) PCT**.

3. The problem to be solved is the provision of a system for carrying out massively parallel multiple bioassay tests and to provide supports which can be suspended in aqueous solution.

D1 discloses a thin film device which is intended for visual inspection so that it would not be logical to reduce the size of the macroscopic device.

In D2 the microlabels are intended to be handled and if the size is too small then difficulties are encountered in aligning them to the decoder.

D3 gives no teaching as to size and shows a complex shaped support, which would not lead to the linear or planar support of claim 1.

Thus claim 1 meets the requirements of **Article 33(3) PCT**.

4. Since claims 2 to 10 are dependent on claim 1 they too meet the requirements of **Article 33(2) PCT** and **Article 33(3) PCT**.

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT - SEPARATE SHEET**

International application No. PCT/GB99/03109

5. Claim 11 relates to a method of fabricating the support of claim 1, which involves sputter coating a flat surface with a metal layer, anodising said metal layer and then etching the metal layer.
Since the support is novel and inventive, the method for its fabrication is also novel and inventive.
Thus claim 11 meets the requirements of **Article 33(2) and (3) PCT**.
6. With regard to dependent claims 12 to 16, these claims depend on an independent claim which meets the requirements of **Article 33(2) and (3) PCT**, so they too meet the requirements of **Article 33(2) and (3) PCT**.
7. The description has not been amended to be in agreement with the new claims.